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AUG - 9 2001

In re Application of
Byrum et al.
Application No. 09/669,817
Filed: September 26, 2000
For: NUCLEIC ACID MOLECULES AND
OTHER MOLECULES ASSOCIATED WITH
PLANTS

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: DECISION
: DISMISSING
: PETITION
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:

OFFICE OF PETITIONS

This is a decision on the petition filed January 8, 2001 under 37 CFR 1.183 requesting waiver of the sequence rules, and acceptance of a computer-readable form of the Sequence Listing in lieu of a paper copy.

The petition is **dismissed as moot**.

Since the rules effective November 8, 2000, provide for the submission of either an original (see 37 CFR 1.821(c)), or replacement, copy of a sequence listing in either CD-R format or paper, there is not seen to be any requirement of the rules that needs waiver for applicant to now submit the sequence listing in CD-R. See 65 *Fed. Reg.* 54604, 54620-21 (Sept. 8, 2000). Petitioner does not state the CD-R submission of the sequence listing is an amendment of the paper copy of the sequence listing previously of record; rather, it appears that petitioner is merely resubmitting the same listing in electronic format. In view of the fact that this specification numbers in excess of 19,000 pages, if petitioner has submitted any written tables, petitioner may wish to consider re-submission of the tables in CD-R format as well. See 37 CFR §§ 1.823(a)(2); 37 CFR 1.52(e)(1)(iii). No petition would be required.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

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Office of Petitions
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for Patent Examination Policy